



March 18, 2016

To: Senator Rick Jones, chair, Judiciary Committee

From: Jane Briggs-Bunting, Michigan Coalition for Open Government

RE: Testimony in support of SB 848: Student Free Press and Civics Readiness Act

Dear Senator Jones and Judiciary Committee Members:

Since the 1988 U.S. Supreme Court decision known as the Hazelwood case, Michigan's public high school journalists, in particular, and some public college journalists, as well, have been under the yoke of arbitrary and, many times, capricious censorship when they attempted to cover relevant and important stories for their readers.

SB 848 the Student Free Press and Civics Readiness Act would change that. SB 848 is a significant piece of legislation for Michigan public high school and college students. The Hazelwood decision, as interpreted by too many school administrators, taught a devastating lesson to multiple generations of students. The lesson: Censorship, often arbitrary and with no realistic avenue of appeal other than the federal court, is acceptable in a democracy, and challenging those in authority is useless.

Censored stories have included major health issues potentially affecting students (like smoking, the HPV vaccine, underage drinking, etc.), criminal misdemeanors by student athletes and the occasional teacher or administrator, school millage elections, a fatal traffic accident involving students from the school, the nutritional values of cafeteria menus, health inspection reports on the cafeteria, and even broadcasting on the Monday morning news show the Friday night football results, if the team lost.

None of these stories carried even a remote threat of disrupting the educational environment of the school or of being libelous or obscene. At worst, in the perception of a school administrator, they may have cast the school in an unflattering light.

The all too common experience of censorship teaches these student journalists not to challenge authority, not to cover stories that may offend, and worse of all, it has taught them to self-censor their thoughts and ideas. Nothing is more debilitating and harmful than discouraging civic engagement in our youngest citizens.

SB 848 addresses the concerns that have been raised over the past 28 years. School districts and administrators are protected from liability. Journalism teachers are free to do their jobs without fear of reprisals. And the student journalists themselves are responsible for the work they produce after learning from their teachers important lessons including First Amendment protections,

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Freedom of Information and Open Meetings laws, libel, privacy, source development, accuracy, fairness, ethics, to name just a few of the subjects covered in their journalism course work. Then there are the lessons in grammar, photography, graphics, social media and design. They learn to use 21st Century technology and tools, strengthening their communication and interpersonal skills, time management and team building.

SB 848 provides a common-sense list of obscene and libelous materials that a school can restrict from student media; insulates schools from liability for student speech protected by this measure; reduces the likelihood that schools will be sued for violating students' First Amendment rights by censoring student journalism; and importantly clarifies a patchwork of court decisions that have left both students and school officials confused and misinformed about constitutional protections for student journalists.

SB 848 balances the responsibility of public high school administrators to protect their student population from real harm while allowing them to serve their educational mission to educate young people about the importance of the Constitution and the benefits of being civically engaged through journalism.

For the sake of public high school and college students throughout Michigan, we ask you to please vote to approve this important bill during this legislative session. Your support will ensure that Michigan joins a growing number of states that protect and support freedom of press and speech for its public high school and college students and is also educating future generations of students to be committed and involved citizens.

Thank you, Senator Jones and your Judiciary Committee colleagues, Senators Bieda and Colbeck, for sponsoring this important piece of legislation. The Michigan Coalition for Open Government views SB 848, the Student Free Press and Civics Readiness Act, as an important and vital legislative effort.

The Michigan Coalition for Open Government is a tax exempt, nonprofit corporation founded to promote and protect transparency and accountability in the government at all levels of the state, and that includes Michigan's schools.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane Briggs-Bunting". The signature is fluid and cursive, with a large loop at the beginning.

Jane Briggs-Bunting
President MiCOG
jbb@miopengov.org

cc: Committee Clerk, 517-373-1721

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